Doc Code AP.PRE.REQ

| **PRE-APPEAL BRIEF REQUEST FOR REVIEW** | Docket Number: 1689(15724) | |
|---|---|---|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents", P. O. Box 1450, Alexandria, VA 22313-1450" | | |
| On _____ August 16, 2005 _____ | Application No.: 10/054,103 | Filed: 10/25/2001 |
| Signature _____ | First Named Inventor: Benjamin J. Parker et al. | |
| Typed or Printed name _____ Renée D. East | Art Unit: 2155 | Examiner: Kevin T. Bates |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request..

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
  Note:  No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
  See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
  (Form PTO/SB/96)

☒ attorney or agent of record.
  Registration Number ____ 31,123 ____

☐ attorney or agent acting under 37 CFR 1.34(a).
  Registration number if acting under 37 CFR 1.34(a). _____

_____ *Signature*

_____ Mark L. Mollon
Typed or printed name

_____ 734-542-0900
Telephone number

_____ August 16, 2005
Date

NOTE:  Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|---|---|
| In re Application of: Benjamin J. Parker et al ) | Group Art Unit: 2155 |
| ) | |
| Serial No.: 10/054,103 ) | Confirmation No.: 3674 |
| ) | |
| Filed: 10/25/2001 ) | Examiner: Kevin T. Bates |
| ) | |
| For: Configuration Recovery After ) | Attorney Docket: 1689(15724) |
| Gateway Failure ) | |

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## REMARKS ACCOMPANYING REQUEST FOR
## PRE-APPEAL BRIEF CONFERENCE

Honorable Sir:

Pursuant to the procedure specified in the Notice published in the Official
Gazette on July 12, 2005, review is requested for the following reasons.

The final rejection contains clear errors in that 1) claimed limitations are
clearly not met by the cited references, and 2) proper motivation for combining the
references has not been shown.

Regarding the limitations not met by the prior art, Sitaraman in view of
Grant fails to show or suggest storing user status information in a table in a RADIUS
server during times that an authenticated user session is established with the gateway,
the RADIUS server being on a physically separate machine than the gateway and
being connected to the gateway via a computer network. As explained in the
amendment filed June 14, 2005, in the paragraph bridging pages 2 and 3, nothing in
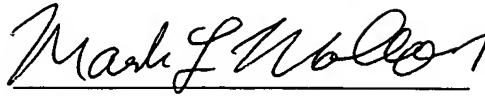
Sitaraman teaches or suggests redundant storage of user data for authenticated user sessions on another machine. Furthermore, Grant fails to suggest using a table to recover user status information relating to an authenticated user session on a gateway (see the paragraph bridging pages 4 and 5 of the amendment filed March 15, 2005).

In the final rejections of claims 5 and 6, Sitaraman and Grant clearly lack any teaching or suggestion of limitations concerning the host object and connection object as described in the first and second full paragraphs on page 3 of the amendment filed June 14, 2005. The Advisory Action of June 24, 2005, cites columns 9 and 10 of Sitaraman to supposedly support the statement that Sitaraman teaches host and connection objects. This portion of Sitaraman relates to an IP address management system for allocating IP addresses. This user information is maintained separate from any actual connection with the user. The host and connection objects recited in claims 5 and 6, however, are clearly shown and defined as objects used by an actual gateway that is in communication with the user (i.e., the objects are part of the network protocol for maintaining an open communication link between devices). Thus, the final rejection and the Advisory Action clearly fail to show the recited limitations.

Regarding the clear failure to show motivation for combining Sitaraman and Grant, the ability of Sitaraman to function the same way with its RADIUS server either in the same machine as the service selection gateway or in a different machine provides proof not only that Sitaraman fails to show or suggest the recited limitations, but also that Sitaraman fails to provide an appreciation that a standalone RADIUS server would be constructed such that it is less likely than a gateway to exhibit a failure (see page 2 of the specification). Grant relates to re-establishing sessions with a failed application program by defining a persistent session state. Neither the final rejection of May 20, 2005, nor the Advisory Action of June 24, 2005, shows a valid reason why one skilled in the art would be motivated to store user status information in a table on a RADIUS server based on knowledge of the technique of Grant for dealing with a failed application when a logical unit running the application fails.

In view of the foregoing reasons, claims 1-7 are in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

Mark L. Mollon
Attorney for Applicants
Reg. No. 31,123

Dated: August 16, 2005
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
(734) 542-0900
(734) 542-9569 (fax)